


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVEN A. GARDNER,)	
Petitioner,)	
)	
vs.)	Civil Action No. 07-1164
)	
COMMONWEALTH OF)	
PENNSYLVANIA, et al.,)	
Respondents.)	

ORDER

AND NOW, this  day of November, 2007, after the petitioner, Steven A.

Gardner, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 28), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 5) is dismissed and a certificate of appealability is denied because no viable constitutional issues exist upon which a reasonable jurist could conclude that there is a basis for appeal.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, reading "Donetta W. Ambrose". The signature is fluid and cursive, with the first name "Donetta" being more prominent.

Donetta W. Ambrose

United States Chief District Judge

cc: Steven A. Gardner
CW-3809
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510-0002